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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/982,315	10/17/2001	Horst Fischer	200116.403D1	6566

500 7590 10/03/2003

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EXAMINER

OWENS JR, HOWARD V

ART UNIT

PAPER NUMBER

1623

DATE MAILED: 10/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Art Unit: 1623

DETAILED ACTION

Election/Restriction

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 30 - 33, 40, drawn to a method of treating cystic fibrosis in a mammal via administration of a flavone or isoflavone, classified in class 514, subclass 456.
 - II. Claims 34 and 41, drawn to a method of treating cystic fibrosis in a mammal via administration of one or more ascorbic acids compounds, classified in class 549, subclass 315.
 - III. Claims 35 - 39, drawn to a method of treating cystic fibrosis in a mammal via administration of one or more ascorbic acids compounds or administration of a flavone or isoflavone, classified in class 514, subclass 185+.
 - IV. Claims 42 - 44, 52 -56, 58-64, drawn to a composition and method of treating cystic fibrosis comprising administration of a flavone or isoflavone that increases trafficking of a CFTR or expression of a CFTR, classified in class 514, subclass 936.
 - V. Claim 57, drawn to a pharmaceutical composition comprising a polyphenolic compound and an ascorbic acid compound, classified in class 514, subclass 754.
2. The inventions are distinct, each from the other because of the following reasons:

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Groups I and II are seen as distinct methods wherein the compounds employed in Group I to treat cystic fibrosis are of divergent classification/structure from those set forth in Group II.

Group III contains claims linking Groups I and II. Upon election, the appropriate claims should be redrafted to reflect dependence upon either Group I or II.

Groups IV and V are seen as unrelated compositions wherein the composition of Group V is not restricted to compounds that increase trafficking of a CFTR or expression of a CFTR and may be practiced/issued as a non-obvious invention over Group IV.

3. Because these inventions are distinct for the reasons given above and the search required for Groups I, II and III is not required for Groups IV and V, restriction for examination purposes as indicated is proper.

4. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any

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amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

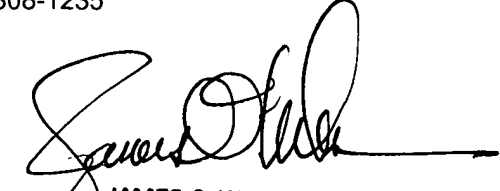
Howard Owens

Art Unit 1623

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mr. Howard Owens whose telephone number is (703) 306-4538. The examiner can normally be reached on Tuesday-Friday 9 a.m.-6:30 p.m. (EST).

If attempts to reach the examiner by telephone are unsuccessful, Mr. James O. Wilson (703) 308-4624, may be contacted. The fax phone number for Group 1600, Art Unit 1623 is (703) 308-4556 or 305-3592.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 1600 receptionist whose telephone number is (703) 308-1235



JAMES O. WILSON
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600